

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
CASE NO. 1:18-cv-00837-CCE-JEP

MICKEY DALE SNOW,

Plaintiff,

v.

BERKSHIRE HATHAWAY, INC.,
GREENSBORO NEWS & RECORD, LLC,
DANIEL P. FINNEGAN, DANIELLE
BATTAGLIA and BH MEDIA GROUP,
INC.

Defendants.

**MOTION TO DISMISS
AMENDED COMPLAINT**

NOW COME Defendants BH Media Group, Inc. and Daniel Finnegan, pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, and respectfully move the Court to dismiss plaintiff's Amended Complaint [DE 21].¹ As grounds for this motion, defendants assert that this court lacks subject matter jurisdiction over plaintiff's complaint and also that plaintiff's purported amendment is untimely pursuant to Federal Rule of Civil Procedure 15(a)(1)(B). In compliance with Local Rules 7.1 and 7.2 this Motion is accompanied by a supporting memorandum of law.

Respectfully submitted January 22, 2019.

/s/ C. Amanda Martin
C. Amanda Martin
N.C. State Bar No. 21186

¹ Because an amended complaint, if valid, supersedes his original complaint, rendering the original complaint and motion to dismiss a nullity, defendant Finnegan provides this response to plaintiff's amended complaint. *Hoefling v. City of Miami*, 811 F.3d 1271, 1277 (11th Cir. 2016) (When plaintiff "filed the second amended complaint, the first amended complaint (and its attached exhibits) became a legal nullity.")

STEVENS MARTIN VAUGHN & TADYCH, PLLC
1101 Haynes Street, Suite 100
Raleigh, NC 27604
Telephone: 919-582-2300
Facsimile: 866-593-7695
Email: amartin@smvt.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was electronically filed with the Clerk of Court using the CM/ECF system, which will send notice of such filing to the following registered CM/ECF user:

Mickey Dale Snow
698 S. Linden Drive
Suite 100F
Eden, NC 27288

Served January 22, 2019.

/s/ C. Amanda Martin
C. Amanda Martin
NC State Bar No. 21186
STEVENS MARTIN VAUGHN & TADYCH, PLLC
1101 Haynes Street, Suite 100
Raleigh, NC 27604
Phone: 919-582-2300
Facsimile: 866-593-7695
Email: amartin@smvt.com